



# *CITY COUNCIL*

## *Public Safety Committee*

**Monday, May 4, 2009**

**Agenda**

**5:00 p.m.**

**Committee Members: D. Sterner, Chair; S. Marmarou; M. Goodman-Hinnershitz**

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- I. Vacant Property Registration Ordinance** **5:00 pm**
- II. Disruptive Conduct Ordinance**
  - a. Amend to attach DCR to tenant and property**
  - b. Creation of public list of tenants w/ DCRs and landlords w/ properties in violation of City codes.**
- III. Discussion on zoning and codes housing permit process for student rentals**
- IV. Review Reports:**
  - Codes Enforcement
  - Crime Stats (Police)
  - Fire Report

*It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.*

## **Public Safety Goals**

**Goal 1: Coordination of Police, Codes and Zoning Services**

**Goal 2: Support Problem Oriented Policing**

**Goal 3: Surveillance Camera Project - *underway***

**Goal 4: Support Consolidation of Fire Departments**

**Goal 5: Support Update of Emergency & Pandemic Plan (including NIMS Training for all required personnel)**

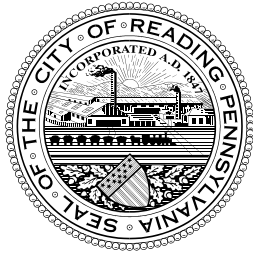
**Goal 6: Support Health and Safety Review Ordinances**

**Goal 7: Support Cops and Codes Sweeps**

**Goal 8: Support Implementation of Sidewalk Café and Sales Ordinances**

**Goal 9: Support Implementation of Sidewalk Vendor Ordinance**

**Goal 10: Support Public Safety at City Schools**



# *CITY COUNCIL*

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## ***Public Safety Committee***

**Monday, April 6, 2009  
5:00 p.m.**

**Attendance:** D. Sterner, M. Goodman-Hinnershitz, S. Marmarou

**Other City Staff Attending:** S. Katzenmoyer, C. Heminitz, B. Reinhart

Dennis Sterner, Chair, called the meeting to order at 5:09 p.m.

### **I. Setting Inspection Fee for Food Establishments**

Ms. Katzenmoyer explained the need for a processing fee. She noted that this is a result of the work recently done regarding food vendors. She distributed the updated ordinance with the agenda memo from Ms. Butler. The Committee agreed that this fee is necessary.

Mr. Sterner requested that this ordinance be discussed at the next Committee of the Whole meeting.

### **II. Satellite Dish Placement in HARB Districts**

Ms. Katzenmoyer distributed the updated ordinance. She explained that this ordinance has been reviewed and approved by the FCC and HARB.

Mr. Marmarou questioned who would enforce the ordinance. Ms. Katzenmoyer stated that it would be the Historic Preservation Officer.

Mr. Sterner questioned the penalty for not following this ordinance. Ms. Katzenmoyer noted that she would research this issue.

Mr. Sterner questioned how the ordinance would be enforced; would the enforcement officer look for satellite dishes or would they be investigated on a complaint basis. Ms. Katzenmoyer stated that it would be at the discretion of the enforcement officer.

The Committee requested that the additional research be completed and that this appear on the next Committee of the Whole agenda.

### **III. Amending Chapter 11 Housing**

Ms. Katzenmoyer noted that this ordinance cleans up some language and removes the requirement requesting proof of a trash hauler. Mr. Reinhart stated that this also adds the provision to issue rental permits pending an inspection. He stated that he, Mr. Denbowski, and Inspector Gery want proof of a trash hauler to remain in effect.

Mr. Marmarou questioned the process if a permit is issued and the property does not pass inspection. Mr. Reinhart stated that it would need to begin the process at the beginning and make all the necessary improvements. He also stated that the inspector would have the option of shutting the property down.

Mr. Marmarou noted his frustration with the work of Ms. Mayfield. He requested a meeting with Mayor McMahon, Mr. Younger, Mr. Hottenstein, Ms. Kelleher, Mr. Spencer, and himself. Ms. Heminitz will arrange this meeting.

The Committee requested that Ms. Katzenmoyer speak with Ms. Mayfield regarding the removal of requesting proof of a trash hauler. The Committee requested that this appear on the next Committee of the Whole agenda.

### **IV. Updates**

- **Vacant Property Registration**

Ms. Goodman-Hinnershitz joined the meeting at this time.

Mr. Reinhart stated that Ms. Mayfield intends to have this ordinance ready for introduction on April 13. He stated that many property owners claim that properties are vacant. He stated that most 3<sup>rd</sup> Class cities now use this registration system. He stated that much staff time is spent on vacant properties.

Mr. Marmarou described a situation where a resident spends six months in Florida and six months in Reading. He questioned what would be done in this situation. Mr. Reinhart stated that he will be consistent and fair. He stated that property owners are claiming that their Reading properties are vacation homes but people are always there.

Ms. Goodman-Hinnershitz questioned how this is handled in vacation communities. Mr. Reinhart noted his belief that they are registered as rental properties.

Ms. Goodman-Hinnershitz questioned how staff would determine if a property is a vacation home. Mr. Reinhart noted a situation in which a doctor from New York claims a property is a vacation home but that people are always present.

Mr. Marmarou noted that another loophole is the property owner having relatives live in the property.

Mr. Reinhart again noted that he will be consistent and fair.

- **Codes Ticketing System**

Mr. Reinhart stated that Ms. Mayfield intends to have this ordinance ready for introduction on April 27. He noted that this is not a complex ordinance.

Ms. Goodman-Hinnershitz questioned what happens if these tickets are ignored. Mr. Reinhart stated that some systems use the Magisterial District Justice and others go directly to the Court of Common Pleas. He would prefer they go to the Court of Common Pleas. Ms. Mayfield is currently researching this process.

Mr. Reinhart further explained that he would be the first appeal. He stated that tickets will be mailed. Photos are part of the ticketing process and are posted on the City's computer system. He stated that in other cities, there are approximately 2 appeals out of every 100. He stated that other cities see a high rate of compliance and all funds are paid to the City rather than into the Court system.

Ms. Goodman-Hinnershitz noted her belief that this ticketing system is important because of the immediacy of action.

The Public Safety Committee meeting adjourned at 5:50 p.m.

*Respectfully submitted by  
Shelly Katzenmoyer, Deputy City Clerk*

**BILL NO. \_\_\_\_\_-2009**  
**A N   O R D I N A N C E**

AMENDING THE CITY OF READING CODIFIED ORDINANCES BY CREATING A NEW  
PART 20 - VACANT BUILDING REGISTRATION - IN CHAPTER 10 HEALTH AND SAFETY  
ENFORCEMENT

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** The City of Reading Code of Ordinances is hereby amended by creating a new Part 20 Vacant Building Registration in Chapter 10 Health and Safety as attached in Exhibit A

**SECTION 2.** All other sections, parts and provisions of the City of Reading Code of Ordinances shall remain in full force and effect as previously enacted and amended.

**SECTION 3.** In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of City Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

**SECTION 4.** This Ordinance shall take effect ten (10) days after adoption in accordance with City of Reading Home Rule Charter, as amended, Sections 219 and 221.

Enacted \_\_\_\_\_, 2009.

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
City Clerk

(Councilor Waltman & Council Staff)  
(PMD and LAW)

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

## EXHIBIT A

### PART 20

#### VACANT BUILDING REGISTRATION

##### §10—2001. PURPOSE AND ENFORCEMENT.

A. The purpose of this part requiring the registration of all vacant buildings and structures and the payment of registration fees is to assist the City in protecting the public health, safety and welfare, to monitor the number of vacant buildings and structures in the City, to assess the effects of the condition of those buildings on nearby businesses, buildings, structures, properties and the neighborhoods in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, and to require of the owners of such vacant buildings and structures to register and the pay related fees, and to promote substantial efforts to rehabilitate such vacant buildings and structure. The provisions of this part are applicable to the owners of such vacant buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of the Codified Ordinances of the City of Reading and all relevant codes and/or regulations adopted therein.

##### §10—2002. DEFINITIONS

For the purposes of this section, where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies. The following words shall have the meanings respectively ascribed to them as follows:

**Boarded** means a building, structure or dwelling unit subject to the provisions of this part if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.

**Dwelling unit** means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Notice** written notice of a violation or requirement under this section mailed, pursuant to first class mail, to the last known address of the owner of the property in question.

##### **Public Nuisance:**

(a) Any building or structure which because of physical condition or use is regarded as a public nuisance and has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes.



(b) Any building or structure which because of physical condition, use or occupancy is considered an attractive nuisance to children.

(c) Any building or structure which because it is dilapidated, unsanitary, unsafe, insect or vermin infested or lacking in the facilities and equipment required by the City of Reading Codified Ordinances and has been designated by the City as a public nuisance.

(d) Any structure which is a fire hazard or is otherwise dangerous to the safety of person or property.

(e) Any structure from which water, plumbing, heating, sewage or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property creates a hazard to neighboring properties.

(f) Any building or structure which for reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris or a haven for rodents and other vermin.

(g) Any building or structure which lacks or has rendered inoperable fire protection system as required by the applicable City of Reading Codified Ordinance.

(h) Any building or structure which as a result of its dilapidated, unsanitary, unsafe, insect or infested condition creates a damage or a risk of damage to a neighboring property.

**Occupied** any building or structure where one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this part, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; trash collection services; a valid City business license, or the most recent, federal, state, or City income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of up to date tenant list

**Open** a building or structure whereat any one or more exterior doors, other than a storm door, is broken, open and, or closed, but, without a properly functioning lock to secure it, or if one or more windows is broken or not capable of being locked and secured from intrusion or any combination of the same.

**Owner** any person, agent, operator, partnership, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as

holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**Vacant** a building or structure shall be deemed to be vacant if no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant occupant(s), or owner-occupants, or tenant(s) on a permanent non-transient basis.

#### **§10—2003. APPLICABILITY**

The requirements of this article shall be applicable to every building and structure in the City of Reading and each owner of any building whether governmental, commercial, residential or institutional or owned by non-profit or a for-profit organization in which the building in total shall have been vacant for more than 45 consecutive days. Registration shall be required for all vacant buildings and structures, whether vacant and secure, vacant and open or vacant and boarded and shall be required whenever any building has remained vacant for 45 consecutive days or more. This part shall not apply to any building owned by the United States, the Commonwealth, the City of Reading, County of Berks nor to any of their respective agencies or political subdivisions.

#### **§10—2004. REGISTRATION STATEMENT**

Each such owner shall cause to be filed a notarized registration statement on a form prepared and provided by the Property Maintenance Division of the City of Reading, which shall include but not be limited to the street address and parcel number of each such vacant building, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the Property Maintenance Division, Building and Trades Division and the Department of Fire and Rescue Services. For purposes of this part, the following shall also be applicable:

- (a) If the owner is a corporation, the registration statement shall provide the names and residence addresses of all officers and directors of the corporation and shall be accompanied by a copy of the most recent relevant filing with the Pennsylvania Department of State.
- (b) If an estate, the name and business address of the executor of the estate;
- (c) If a trust, the name and address of all trustees, grantors and beneficiaries;
- (d) If a partnership, the names and residence addresses of all partners with an interest of ten (10) percent or greater;
- (e) If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent or greater;
- (f) If an individual person, the name and residence address of that individual person.

The Registration Statement and, where applicable, Registration Fee(s) as required by sub-section §10—2006 of this section shall be billed by the Property Maintenance Division and such Registration Statement and, where applicable, Registration Fee(s), shall be filed with and/or paid to the Property Maintenance Division for the subject year no later than the last business day of said year, on or before December 31, or if December 31 falls on Saturday or Sunday by the preceding Friday, of each year. For purposes of this ordinance, registration application initially shall be due on September 1, 2009

#### **§10—2005. DUTY TO AMEND REGISTRATION STATEMENT**

If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the Property Maintenance Division within thirty (30) days of the occurrence of such change and advise the department in writing of those changes.

#### **§10—2006. FEES**

The owner of the vacant property as of December 31<sup>st</sup> of each calendar year shall be responsible for the filing of his/her Registration Statement and, where applicable, registration payment of the non-refundable registration fee. Said fee shall be \$100 per year per building and structure which has not been declared a public nuisance by the City of Reading Property Maintenance Division, Department of Fire and Rescue Services or Building and Trades Division of the Department of Community Development and the exterior of said building or structure is compliant with the applicable codes and ordinances.

Upon a determination that a building or structure is a public nuisance or becomes non code compliant on the exterior, the fee for Registration of a Vacant Building or Structure shall be:

- \$500 for buildings or structures that have been vacant for one to two years;
- \$1,000 for buildings or structures that have been vacant for two to three years;
- \$2,000 for buildings or structures that have been vacant for three to five years;
- \$3,500 for buildings or structures that have been vacant for five to ten years; and
- \$5,000 for buildings that have been vacant for ten years.

The fee shall increase by \$500 for each year beyond the ten years that the building has been vacant.

An owner may appeal a determination of a public nuisance or exterior non code compliant to the Building and Fire Board of Appeals as set forth herein. Once a building or structure has been declared a public nuisance or non code compliant, upon correction of the basis for such determination, an owner may apply to the Property Maintenance Division for removal of the nuisance or non code compliant determination and reduction of the fee to \$100 per year.

#### **§10—2007. DELINQUENT REGISTRATION FEES AS A LIEN**

After the owner is given notice of the amount of the Registration Fee due, except for those owners that have properly perfected an appeal pursuant to §10-2012 above, and the owner fails to pay the amount due within thirty (30) days, said amount shall constitute a debt due and owing to the City, and the City may either enter a lien on the property or turn it over to a collection agency for receipt as provided by law

#### **§10—2008. ONE TIME WAIVER OF REGISTRATION FEE**

A one-time, one year waiver of the registration fee may be granted by the Property Maintenance Division upon application of the owner and upon review and advice of the Solicitor's Office, within 15 calendar days of the date of the bill for the registration fee, if the owner:

1. Demonstrates with satisfactory proof to the Property Maintenance Division, Building and Trades Division and/or Department of Fire and Rescue Services that he/she has submitted valid architectural plans, based on city's permits and planning application procedures, and otherwise has shown good faith efforts to efficiently rehabilitate, demolish, or otherwise substantially repair or improve said vacant building; or

2. Demonstrates with satisfactory proof to the Property Maintenance Division, Building and Trades Division and/or Department of Fire and Rescue Services that he/she is actively marketing the property for sale/lease. Actively marketing will be defined as an owner who has placed a “for sale” or a “for lease” sign on the property with accurate contact information, which is also provided to the Property Maintenance Division, Building and Trades Division and/or Department of Fire Services, and has done at least one of the following:

(a) Engaged the services of a real estate licensee, whose name, address, telephone number and email will be provided to the Property Maintenance Division, Building and Trades Division and Department of Fire and Rescue Services, in the Multiple Listing Service (MLS);

(b) Placed weekly advertisements in print or electronic media;

(c) Distributed printed advertisements.

#### **§10-2009. DECISION ON APPLICATION FOR WAIVER**

Within thirty (30) days after the waiver application is received by the Property Maintenance Division, and upon review by the Property Maintenance Division, Building and Trades Division and/or Department of Fire and Rescue and advice of the Solicitor’s Office, the Property Maintenance Division shall grant or deny the waiver in writing, and dispatch the written decision by mail to the owner. If the owner properly submitted an application for a one-time waiver to the Property Maintenance Division and that application was denied, the owner may seek an appeal from the Building and Fire Board of Appeals by filing an appeal request in writing within twenty (20) calendar days of receipt of the denial.

#### **§10—2010. LOCAL AGENT**

If none of the persons listed in §10-2004 above is shown at an address within Berks County, the Registration Statement also shall provide the name and address of a person who resides within Berks County appointed by the owner as the local agent. The owner and responsible local agent shall be jointly and severally legally responsible compliance with the City of Reading Codes and Codified Ordinances and the laws of the Commonwealth of Pennsylvania. The local responsible agent shall be responsible for, including but not limited to, providing the Code Official with access to the building or structure for the purpose of making inspections, is authorized to accept service of process on behalf of the owners, receive notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith.

#### **§10—2011. INSPECTIONS**

**Annual Inspection.** An annual inspection of a Registered Vacant Building shall be performed by the Property Maintenance Division for Residential Structures and Building / Trades Division and/or Fire Prevention Division for Commercial Structures, or as necessary, to determine if it

complies with the minimum requirements, as determined by the code official, of applicable Property Maintenance Code, Building and Trades Codes and Fire Prevention Code. If violations of these Codes are identified the Property Maintenance Division shall issue a notice of violation as per the requirements of those codes and give notice to the owner to comply with the codes with a time to cure. If the violations are not corrected within the time given, the property shall be declared a public nuisance.

**Complaint Inspections.** Nothing in this Part shall preclude a Code Official from performing an inspection upon receipt of a complaint of violation of the City of Reading Codes and Codified Ordinances existing at the building or structure. Said inspections shall be in accord with the applicable Codes and Ordinances and regulations and policies established by the City of Reading.

**Right of Entry.** The Code Officials are authorized and directed to make inspections at any reasonable hour to determine compliance with the aforementioned codes. For this purpose, the Property Maintenance Division, Building and Trades Division and Department of Fire and Rescue Services, its officers or representatives are authorized to enter and examine any building, structure, yard or part of either and every owner, operator or occupant shall allow the inspectors, officers or representatives of the Property Maintenance Division and Department of Fire and Rescue Services free access.

**Search Warrant.** If any owner, local agent or other person in charge of a building or structure subject to the provisions of this Part refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Part is sought, the administrative authority, appropriate Code Official, shall promptly apply for an administrative search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection.

**Notice.** All notices scheduling an inspection shall be mailed via regular mail to the owner of record with a copy mailed via regular mail to the local responsible agent.

**Failure to Appear for Inspection.** If the owner or his/her local responsible agent cannot be available at the proposed time, said owner or representative shall provide no less than 24-hour written notice to the Property Maintenance Division. Upon failure to give such written notice or upon failure to gain entry, an administrative fee of \$50 will be assessed against the owner or representative of the owner failing to supply written notice or appear. For each rescheduling beyond the second rescheduling an administrative fee of \$100 shall be assessed in all cases. Failure to pay administrative fees shall at the discretion of the Code Official constitute a violation of this or the applicable Code including but not limited to the City of Reading Property Maintenance Code. Failure of an owner or his/her local responsible agent to appear for a

scheduled inspection shall be considered probable cause for obtaining a search warrant to inspect the premises.

**Special Requested Inspection.** Whenever the owner, mortgagee, purchaser or other interested party requests a special inspection of a property regulated by this Article, or certification that a property is in compliance with this Article or other applicable City ordinances pertaining to structural condition; when such a request is being made in connection with the sale, conveyance, transfer, financing or refinancing of such property; then such person shall first pay a fee of \$200 to the City to defray the expenses of making such inspection.

#### **§10—2012. SERVICE CUT OFFS**

Upon registration of a property the Property Maintenance Division and/or Fire Marshall shall see to it that all service utilities are disconnected as per Property Maintenance Code 108.2.1 Service Utilities.

#### **§10—2013. APPEAL RIGHTS.**

**A. Registration Fees.** The owner shall have the right to appeal the imposition of the registration fees to the Building and Fire Board of Appeals upon filing an application in writing to the Property Maintenance Division no later than twenty (20) calendar days after the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy as defined in §10-2002 above.

**B. Public Nuisance and Exterior Non Code Compliant.** The owner shall have the right to appeal the determination that a building or structure is a public nuisance or the exterior is non code compliant to the Building and Fire Board of Appeals upon filing an application in writing to the Property Maintenance Division no later than twenty (20) calendar days after notification of said determination. On appeal, the owner shall bear the burden that the property is not a public nuisance and the exterior is code compliant.

**C. Fee.** The fee for filing of an appeal to the Building and Fire Board of Appeals shall be \$100. Failure to submit the appropriate fee with the request for an appeal shall result in automatic denial of the appeal. In addition to said fee, the Appellant shall be responsible for all costs incurred to conduct a hearing beyond that covered by the fee.

#### **§10—2014. ADMINISTRATION AND ENFORCEMENT**

Administration and enforcement of this section shall remain under the control of the Property Maintenance Division, Building and Trades Division and/or the Department of Fire and Rescue Services.

#### **§10—2015. VIOLATIONS AND PENALTIES.**

**A. Violations.** The failure or refusal for any reason of any owner, or agent of an owner acting on behalf of the owner, to file a Registration Statement, to pay any fees required to be paid

pursuant to the provisions of this part, or to appear for an inspection, shall constitute a violation. The violation shall be deemed a strict liability offense

**B. Prosecution of Violations.** The Fire Marshal, Chief Building Official and/or Property Maintenance Division Administrator or his/her designee.

shall have the authority to institute the appropriate proceeding at law or in equity, to restrain, correct or abate such violation of the provisions of this Part or of the order or direction made pursuant thereto. Such authority shall include but not be limited to the Fire Marshal, Chief Building Official and/or Property Maintenance Division Administrator or his/her designee, institution of summary criminal proceedings via the issuance of a nontraffic citation in accord with the Pennsylvania Rules of Criminal Procedures in the court of appropriate jurisdiction, as a means of enforcement of this section and shall, when acting within the scope of employment hereunder, have the powers of a police officer of the City; provided, however, that under no circumstances shall they have the power of arrest.

**C. Penalties.** Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for the first two continual and uncorrected failure or refusal to register, or for each failure or refusal to pay and not exceeding five thousand dollars (\$5,000) for the third and any subsequent continual and uncorrected failure or refusal to register or for each subsequent failure or refusal to pay or imprisonment for any term not exceeding (90) ninety days. Each day that violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

#### **§10—2016. COMPLIANCE WITH OTHER CODES**

In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other City of Reading Code or Ordinance.

#### **§10—2017. NONEXCLUSIVE REMEDIES.**

The penalty and collection and lien provisions of this Part shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the City of Reading as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other City of Reading Code or Codified Ordinances, whether or not such other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.

#### **§10-2018 BLIGHTED PROPERTY REVIEW**

Nothing in this Part, shall be meant or utilized to override or circumvent a property under consideration, review and in the process of the City of Reading Blighted Property Review



Committee. A property may be under order of the City of Reading Blighted Property Review Committee to be rehabilitated yet continue to be required to register as a Vacant Building or Structure pursuant to this Part.

#### **§11-106. Denial of Application for Rental Housing Permit.**

A rental permit shall not be issued or renewed to any applicant if said rental unit, building or dwelling is not in compliance with the City of Reading Codified Ordinances including, but not limited to, International/City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection, is in pending litigation for egregious violations of the aforesaid Codified Ordinances or has been declared uninhabitable and/or condemned by the appropriate authority with jurisdiction.

*(Ord. 28-2007, 7/23/2007, §1)*

#### **§11-107. Revocation of Rental Permit.**

At the discretion of the issuing authority, the City of Reading, Codes Enforcement Division, the municipality shall have the authority to revoke or suspend the rental housing permit of any rental unit, building, rooming house, or dwelling that is uninhabitable by humans, is in egregious noncompliance with the City of Reading Codified Ordinances including, but not limited to, International/City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection, is in pending litigation.

#### **§11-114. Owner and Occupant Duties.**

##### **1. Owner's Duties.**

A. It shall be the duty of every owner, operator, responsible agent or manager to keep and maintain all rental units in compliance with all applicable codes and provisions of all applicable State laws and regulations and local ordinances, and to keep such property in good and safe condition and to be aware of, and to act to eliminate disruptive conduct in such rental units.

B. It shall be unlawful for any person to conduct or operate or cause to be rented either as owner, operator, responsible agent or manager any rental unit within the City of Reading without having a rental registration or a rental license.

C. The owner, operator, responsible agent or manager shall include the amendment attached hereto as the addendum to rental agreement in each lease of a rental unit taking effect on or after May 1, 2007. Said amendment is hereby considered to be a part of every lease of a rental unit in the City of Reading executed on or after May 1, 2007.

D. It shall be the responsibility of every owner, operator, responsible agent or manager to employ policies and to manage the rental units under his/her control in compliance with the provisions of this Part, City codes and applicable State laws.

## **2. Occupant Duties.**

A. The occupant(s) shall comply with all obligations imposed unto by this Part and by the City of Reading Codified Ordinances including, but not limited to, Chapter 2, Animals, Chapter 3, Bicycles, Chapter 5, Code Enforcement, Part 6, Property Maintenance Code, Chapter 6, Conduct, Chapter 10, Health and Safety, Chapter 15, Motor Vehicles and Traffic, Chapter 20, Solid Waste, and Chapter 21, Streets and Sidewalks, as well as all State laws and regulations.

B. The occupant(s) shall conduct themselves and require other persons including, but not limited to, guests on the premises and within their rental unit with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same.

C. The occupant(s) shall not engage in, nor tolerate, nor permit others on the premises to cause damage to the rental unit or engage in disruptive conduct, or other violations of this Part, City codes or applicable State laws.

D. Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed.

*(Ord. 28-2007, 7/23/2007, §1)*

## **§11-115. Owners Severally Responsible.**

If any regulated dwelling unit or rooming unit is owned by more than one person, in any form of joint tenancy, as a partnership, corporation or otherwise, each persons shall be jointly and severally responsible for the duties imposed under the terms of this Part and shall be severally subject to prosecution for the violation of this Part.

## **§11-120. Denial or Nonrenewal of a Rental Permit for Failure to Comply with Application, Chapter and/or Failure to Pass Inspection.**

1. **Timing.** A decision to deny or not renew an application for a rental permit for the reasons set forth herein shall be made within 15 working days of receipt of the application with payment of appropriate fee as indicated on the time stamp by the Codes Enforcement Division. This time period shall be extended to 15 working days after performance of an inspection where an inspection is required.

### **2. Basis for Denial or Nonrenewal under this Part.**

A. A rental permit shall be denied and/or nonrenewed upon failure of the owner to comply with the application requirements set forth in this Part.

B. An application for an initial or renewed permit shall also be denied upon proof of failure of owner or local responsible agent to comply with the requirements of this Part including, but not limited to, the posting requirements, submission of tenant

listing, failure to appear for more than one schedule inspection, failure to appear for a scheduled court hearing and noncompliance with owner's duties.

C. A rental permit shall not be issued or renewed upon the failure of dwelling unit or rooming unit to pass an initial or a renewal inspection as required by §11-109(1) and (2) of this Part.

D. A rental permit shall not be issued or renewed to any applicant if said rental unit, building or dwelling is not in compliance with the City of Reading Codified Ordinances including, but not limited to, International/City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection, is in pending litigation for violations of the aforesaid Codified Ordinances or has been declared unfit for human habitation and/or condemned by appropriate authority with jurisdiction or an owner or his/her local responsible agent fails to appear in court for a hearing regarding a violation of the aforesaid Codes of the City of Reading.

[Ord. 55-2008]

3. **Notice.** Notification of the decision to deny or not renew an application for an initial or renewal of a rental permit shall be issued by the Codes Enforcement Division Manager or his/her designee within 15 working days of receipt of the application. The notification shall specify the reason for denial or refusal to renew an application for a rental permit citing the requirement therefor. Said notice shall be in accord with the requirements therefor of this Part. [Ord. 55-2008]

4. **Right to Cure.** At the discretion of the Codes Enforcement Manager or his/her designee notification of the denial or nonrenewal of a rental permit may provide the owner an opportunity to cure the basis for the denial or nonrenewal. If said opportunity is provided, the notification must specify the time period provided for curing of the basis for the denial or refusal to renew a rental permit. Upon failure of the owner or local responsible agent to cure the basis for the denial within the time period given, the decision of the Codes Enforcement Division Manager or his/her designee to deny or not renew a rental permit shall stand and the sole recourse shall be an appeal. Nothing in this Section is to interpreted to override the requirements and right to resolve failure to pass inspection as required above as part of the initial and renewal inspection process. [Ord. 55-2008]

5. **Appeal.** The denial of an initial or renewal application for a rental permit for the reasons set forth above may be appealed to the Housing Board of Appeals by submission of such a request with payment of the appropriate fee made in writing to the Manager of the Codes Enforcement Division within 10 days of receipt of notification of such denial. [Ord. 55-2008]

(Ord. 28-2007, 7/23/2007, §1; as amended by Ord. 55-2008, 9/22/2008, §1; and by Ord. 65-2008, 10/13/2008, §1)

## **§11-121. Suspension or Revocation of Rental Permit.**

### **1. Warning Notice Required Prior to Suspension of Rental Permit.**

A. Prior to suspension or revocation of a rental license, the Code Official shall provide written notice of violation to the owner of any dwelling unit or rooming unit.

B. The written notice of violation shall inform the owner of the rental property, dwelling unit or rooming unit and the owner's responsible local agent that a written correction plan shall be submitted to the Code Official within 5 days after receipt of the notice of violation. Failure to submit an acceptable correction plan will result in suspension or revocation of all applicable housing permits.

C. The notice of violation shall inform the owner of the rental property, dwelling unit or rooming unit that the owner may request an informal meeting with the Code Official to discuss the violations within 5 days of the receipt of the notice of violations. Owners requesting a meeting may request that the owner's responsible local agent represent the owner and act on the owner's behalf.

D. This subsection shall be issued in conjunction with and not in lieu of the requisite notices of violations regarding under City of Reading Codes including, but not limited to, the Property Maintenance Code [Chapter 5, Part 6].

E. The notice of violation/warning and notice of suspension or revocation shall be served in accord with the official notice requirements set forth in this Part.

Additionally such notices shall be also be served via certified mail return receipt requested with date of receipt determined by date of execution of return receipt.

Provided, that should the certified mail be returned as unclaimed and first class mail issued in conjunction with the certified mail not be returned there will be a rebuttable presumption that but for the recipient's refusal of the certified mail, notice was received within five mail (Monday - Saturday) days of date of mailing.

F. **Form.** A notice of a violation shall be in accordance with all of the following:

- (1) Be in writing.
- (2) Include a description of the real estate sufficient for identification.
- (3) Include a statement of the violation or violations and why the notice is being issued.
- (4) Include a statement of the requirement that a correction or rehab plan be submitted within the time provided for in this Part.
- (5) Inform the property owner of the right to request a meeting to discuss the notice.

### **2. Suspension or Revocation Procedures.**

A. The Code Official shall notify the owner of the suspension or revocation of a rental license for a dwelling unit or rooming unit by written notice sent by first class mail and certified mail or delivered in person should the certified mail be returned as unclaimed and first class mail issued in conjunction with the certified mail not be returned there will be a rebuttable presumption that but for the recipient's refusal of the certified mail notice was received within five mail (Monday - Saturday) days of date of mailing. The notice shall advise the owner of the property address of the dwelling unit or rooming unit, the effective dates of the suspension or revocation, the reason for the suspension or revocation, the effect of the suspension or revocation, penalties that can be imposed for violation of the suspension and appeal rights and procedures.

B. The Code Official shall set forth the effective date of the suspension or revocation in such manner so that suspension or revocation commences on the first day following expiration of the 10 days to file an appeal of the Code Official's determination.

C. No rental permit shall be renewed for 6 months for the first suspension or revocation and 12 months for each subsequent suspension or revocation within a 5-year period beginning on the effective date of the suspension or revocation.

D. During the time a rental license is suspended or revoked, if any additional

violations occur against the dwelling unit or rooming unit, the rental license suspension or revocation may be extended up to an additional 12 months.

**3. Effect of Suspension.** Upon the commencement of suspension or revocation, the dwelling unit or rooming unit shall be secured by the owner, and no person, firm, or corporation shall operate or rent/ lease to another for residential occupancy any dwelling unit or rooming unit during such time that the rental license for such unit is suspended or revoked. The transfer of the ownership of a rental property by an owner to an entity in which such owner holds an ownership or equity interest will not void the existing violations relating to such rental property or void any existing suspension or revocation relating to such rental property. [Ord. 55-2008]

**4. Defense.** When tenants and/or occupants are culpable for violations resulting in a suspension notice, the owner may request reinstatement of the housing permit upon eviction of the tenants, provided the owner is current with submission of tenant listings as required by this Part.

**5. Appeal Procedure for Suspension or Revocation Initiated by the Code Official.** An appeal of a suspension or revocation of a rental permit shall be made by submitting the appropriate fee and a request for an appeal to the Housing Board of Appeal in writing to the Manager of Codes Enforcement Division within 10 days of receipt of the notice of suspension or revocation.

**6. Basis for Suspension or Revocation.** A rental permit shall be suspended or revoked at the discretion of the Manager of the Codes Enforcement Division or his/her designee if egregious, severe, life-threatening, health and welfare or repetitive, continued violations of the offenses set forth in subsection (7) exist at the dwelling unit or rooming unit without any attempt to cure or remedy the problem or submission of a timely rehab plan and lack of response to notices of violations issued by the appropriate authority.

**7. Offenses.** For purposes of this Part, offenses are those as set forth, but not limited to, the following ordinances or statutes:

A. *Occupancy.* Refers to regulations relating to occupancy of rooming units, dwelling units and dwellings as contained in Chapter 5 (Code Enforcement) and Chapter 27 (Zoning) of the Codified Ordinances of the City of Reading.

B. *Refuse.* Refers to regulations relating to garbage, rubbish and refuse, under the City of Reading Codified Ordinances including, but not limited to, the Property Maintenance Code, Chapter 5, Health Code, Chapter 10 and Solid Waste and Recycling Ordinance, Chapter 20.

C. *Property Maintenance (Interior and Exterior).* Refers to regulations as governed by the City of Reading Property Maintenance Code in Chapter 5 of the City of Reading Codified Ordinances.

D. *Sidewalks*. Refers to regulations relating to snow and ice removal contained in the Streets and Sidewalks, Chapter 21 of the City of Reading Codified Ordinances.

E. *Noise*. Refers to regulations relating to Noise Disturbance, and Conduct, Chapter 6 of the City of Reading Codified Ordinances.

F. *Vegetation*. Refers to regulations relating to Brush, Grass and Weeds, per the City of Reading Codified Ordinances including, but not limited to, the Property Maintenance Code, Chapter 5, and Health Code, Chapter 10.

G. *Disorderly Conduct*. Refers to enforcement by the City of Reading Police Department of §5503, Crimes Code, Act of Dec. 6, 1972, P.L. 1482, No. 334, 18 Pa.C.S.A. §5503, and Chapter 6, Conduct, of the City of Reading Codified Ordinances.

H. *Dogs*. Refers to regulations relating to Animals and Health under Chapters 2 and 10 of the City of Reading Codified Ordinances.

I. *Fire Prevention Code*. Refers to regulations to the City of Reading Fire Prevention Code as provided for in Chapter 5, Code Enforcement, and Chapter 7, Fire Prevention and Protection, of the City of Reading Codified Ordinances.

J. Zoning violations and related offenses per Chapter 27 of the City of Reading Codified Ordinances.

K. Violation of Chapter 5 of the City of Reading Codified Ordinances regarding Code Enforcement including, but not limited to, the City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8].

L. Failure to appear in court and related offenses.

M. Any other offense that renders the dwelling, unit, or room uninhabitable.

At the discretion of the issuing authority, the City of Reading Codes Enforcement Division, the municipality shall have the authority to revoke or suspend the rental housing permit of any rental unit, building, rooming house, or dwelling that is uninhabitable by humans, is in egregious noncompliance with the City of Reading Codified Ordinances including, but not limited to, International/City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 1], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection, is in pending litigation for violations of the aforesaid Codified Ordinances and/or has been condemned by the authority with jurisdiction

**8. Immediate Suspension or Revocation.** Placarding and condemning of a property per the City of Reading Property Maintenance Code [Chapter 5, Part 6] shall result in immediate suspension or revocation of a rental permit. Notwithstanding any other provision of this Part, the permit shall be reinstated upon performance of an inspection, payment of the appropriate fee for removal of the placard per the Property Maintenance Code [Chapter 5, Part 6] and submission with the appropriate fee and approval of an application for a rental permit.

**9. Suspension and Disruptive Conduct.** Nothing in this Section shall be interpreted to preclude enforcement under the disruptive conduct Section [§11-123] set forth herein.

**10. Reinstatement of Rental Permit Subsequent to Suspension or Revocation.** To obtain

reinstatement of a rental permit subsequent to a suspension or revocation and period therefor, an owner must resubmit an application and undergo the process for an initial application including, but not limited to, undergoing an inspection and payment of the appropriate fee.

#### **11. Notice.**

A. **Form.** A notice of a suspension or revocation of a rental permit shall set forth the information required herein and be in a form accordance with all of the following:

- (1) Be in writing.
  - (2) Include a description of the real estate sufficient for identification.
  - (3) Include a statement of the violation or violations and why the permit is being suspended or revoked.
  - (4) The time period for the suspension or revocation of the permit.
  - (5) Inform the property owner of the right to appeal.
- (*Ord. 28-2007, 7/23/2007, §1; as amended by Ord. 55-2008, 9/22/2008, §1; and by Ord. 65-2008, 10/13/2008, §1*)

#### **§11-122. Violation and Penalties.**

1. **Violations.** It shall be unlawful for any person, as either owner or local responsible agent of a rental dwelling unit or rooming unit for [which] a rental permit is required, to operate without a valid, current permit issued by the City of Reading authorizing such action. It shall also be unlawful for any person, either owner or local responsible agent, to allow the number of occupants of dwelling unit or rooming unit to exceed the maximum limit as set forth on the license or to violate any other provision of this Part, including, but not limited to, failure to timely submit a tenant listing and renew a rental permit. Further, it shall be unlawful for any occupant to violate this Part.

2. **Prosecution of Violation.** If the above violations are not corrected, the Manager of the Codes Enforcement Division or his/her designee or code official shall institute the appropriate proceeding at law or in equity, to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. Notwithstanding the above, nothing will prevent the Manager of Codes Enforcement Division or his/her designee or code official from commencing a summary offense criminal action via the issuance of a nontraffic citation in accord with the Pennsylvania Rules of Criminal Procedures in the court of appropriate jurisdiction and the violation shall be deemed a strict liability offense.

3. **Collections.** All bills or accounts governed by this Part which are not paid by May 1 of each year or within 60 days of application from date of application/original date of billing shall be turned over to a collection agency for receipt.

4. **Penalties.** Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$75 and not more than \$500 plus costs and restitution. In default of payment of said fine and costs to a term of imprisonment of not more than 90 days. Each day that violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. Such penalties shall be exclusive of the doubling of the permit fee for untimely payment and submission thereof to collections as well as suspension or revocation of permit for



failure to pay.

5. **Nonexclusive Remedies.** The penalty and collection provisions of this Section and the license nonrenewal, suspension and revocation procedures provided in this Part shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the City of Reading as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other City of Reading Code or Codified Ordinances, whether or not such other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.

(Ord. 28-2007, 7/23/2007, §1)

**§11-123. Disruptive Conduct.**

1. **Investigation and Report of Disruptive Conduct.** Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive

as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed form. A copy of the disruptive conduct report shall be given or mailed to the occupant and mailed to the owner and local responsible agent within 10 working days of the occurrence of the alleged disruptive conduct.

2. **Appeals.** The occupant, owner or local responsible agent shall have 10 working days from the date of receipt of a disruptive conduct report to appeal the contents of said disruptive conduct report. The appeal shall be made in writing and submitted to the Manager of the Codes Enforcement Division. An appeal of the second disruptive conduct report within a 12-month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the second disruptive conduct report. [Ord. 43-2008]

3. **Eviction.** After two disruptive conduct incidents in any 12-month period by an occupant documented by disruptive conduct reports, the owner or local responsible agent shall have 10 working days from the date of his/her receiving the notice to begin eviction proceedings against the occupants. The owner or local responsible agent shall diligently pursue the eviction of the occupants as required herein. Diligent pursuit of the eviction of said occupants shall include, but not be limited to, prosecution of the eviction proceeding, participation with follow through any appeal and obtain possession of the property. This subsection is not intended to limit or inhibit the owner or local responsible agent's right to initiate eviction actions prior to the second disruptive conduct incident. [Ord. 43-2008]

4. **Suspension or Revocation of Rental Permit.** Failure of an owner or local responsible agent to take action required in subsection (3) above will result in the commencement of the process to suspend a rental permit per the process established herein, notwithstanding any other requirements therefor.

5. **Reinstatement of Rental Permit.** The rental unit involved shall not have its rental permit reinstated until the reinstatement fee is paid and the disruptive occupants have been evicted, the Housing Board of Appeals has ruled in the occupant's favor, the Housing

Board of Appeals has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupants have filed an appeal to a higher court thereby preventing their eviction. Notwithstanding this subsection, if there are violations assessed against the owner per the provisions of this Part which require suspension or revocation, a rental permit shall not be reinstated until compliance with the requirements therefor have occurred. [*Ord. 55-2008*]

**6. Reoccupation.** The disruptive occupants, upon eviction, shall not re-occupy any rental unit on the same premises involved for a period of at least 1 year from date of eviction.

**7. Report Against All Occupants.** The content of the disruptive conduct report shall count against all occupants of the rental unit. The content of the disruptive conduct report shall not count against all occupants of the rental unit if the complaint is initiated by one of the rental unit occupants. More than one disruptive conduct report filed against the occupants of a rental unit in a 24-hour period shall count as a single disruptive conduct report for the purpose of the preceding subsection. [*Ord. 43-2008*]

**8. Maintenance of List of Disruptive Conduct Report Tenants and Occupants and Evicted Occupants.** The Codes Enforcement Office shall maintain a list of the names of all occupants and tenants against whom a disruptive conduct report is issued as a result of this Part. The Codes Enforcement Division shall also maintain a list of all occupants and tenants evicted as a result of this Part. The names shall remain on the list for a period of 5 years. [*Ord. 43-2008*]

**9. Appeals.** Any person aggrieved by any decision of a police officer or public officer in regard to a disruptive conduct report or the revocation of a rental permit resulting therefrom may appeal to the Housing Board of Appeals. Such appeal must be filed with the appropriate fee with the Manager of the Codes Enforcement Division in writing, within 10 working days from the date of receipt of the disruptive conduct report or notice of revocation.

(*Ord. 28-2007, 7/23/2007, §1; as amended by Ord. 43-2008, 8/25/2008, §§1 and 2; by Ord. 55-2008, 9/22/2008, §1; and by Ord. 65-2008, 10/13/2008, §1*)

#### **§11-124. Housing Board of Appeals.**

**1. Appeals.** Any person aggrieved by any decision of a police officer or public officer in regard to a disruptive conduct report or the suspension, nonrenewal, denial or revocation of a rental permit may appeal to the Housing Board of Appeals. Such appeal must be filed, in writing, with the Manager of the Codes Enforcement Division, with the appropriate filing fee within 10 working days from the date of receipt of the disruptive conduct report or notice of revocation. [*Ord. 43-2008*]

#### **2. Organization.**

**A. Membership.** The Housing Board of Appeals shall be a body of seven members consisting of: the Managing Director or his/her designee who shall serve as Chairperson; a Councilperson, Codes Enforcement Division Manager or their designee; the Chief of Police or his/her designee; an owner or local responsible agent of a rental unit(s) in Reading; an occupant of a rental unit residing in the City of Reading; and a member of a community group recognized by the City of Reading.

**B. Alternates.** There shall be three alternate members: an owner or local responsible agent, an occupant of a rental unit residing in the City of Reading and a member of a community group recognized by the City of Reading.

C. **Appointment.** All members of the Board shall be appointed by the Mayor with the advice and consent of the Council of the City of Reading, with the exception of the Council Member, who shall be appointed by the Council President.

D. **Term.** A member or alternate member shall serve a term of not more than 3 years from the time of appointment or reappointment or until his/her successor shall take office. Members and alternates of the initial board shall be appointed to staggered terms of 1, 2 and 3 years.

E. **Powers of Designee and Alternates.** Designees and alternate members may be requested to attend meetings in absence of a regular member and shall have all the powers of a regular member at such meetings.

F. **Oaths and Subpoenas.** The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties. [Ord. 43-2008]

G. **Quorum and Majority Vote.** Four members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal. [Ord. 43-2008]

3. **Powers.** The Board shall have the following powers:

A. **Promulgate Rules and Regulations.** To adopt and administer the rules of procedure regarding its organization, officers (except the Chairperson), times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction.

B. **Hear and Decide Appeals.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the police officer or public officer in the enforcement of the provisions of this Part.

C. **Grant Modification or Variance.** To modify any notice of violation or order and to authorize a variance from the terms of this code when because of special circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Code.

D. **Grant Extension of Time.** To grant a reasonable extension of time for the compliance, as described in the City's Property Maintenance Code [Chapter 5, Part 6] and other applicable sections of the City of Reading Codified Ordinances of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.

E. **Timeliness.** In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within 10 working days after the appeal hearing.

F. **Oaths and Subpoenas.** The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties. [Ord. 43-2008]

G. **Authority.** The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such

order, requirement, decision or determination as justice would require, and, to that end, shall have all the powers of the police officer or public officer; provided, however, that the Housing Board of Appeals, in its determination, shall be bound by this Part and shall not ignore the clear provisions and intent of this Part. [*Ord. 43-2008*]

**4. Records Open to Inspection.** The disruptive conduct report and all records of all proceedings and the final disposition of the matter outlined in the appeal shall be public and available for inspection; provided, however, that the police officer or public officer may prescribe reasonable regulation regarding the time and manner of inspection.

**5. Affect of Appeals.** Any decision or order issued under, per and in accord with this Part, shall be held in abeyance upon the timely filing of an appeal thereof with the Housing Board of Appeals. Said abeyance shall include, but not be limited to, revocation, suspension, denial or nonrenewal of a rental permit until the appeal is resolved. An appeal of the two disruptive conduct reports within a 12-month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the second disruptive conduct report. [*Ord. 43-2008*]

**6. Enforcement upon Resolution of Appeal of Housing Board.** If this appeal is of a second disruptive conduct report and the decision of the police officer or public officer has been affirmed, within 10 working days and time for compliance as required by the decision of the Housing Board of Appeals, the public officer shall reinspect to determine compliance as to whether the occupant has voluntarily moved from the premises or the owner has initiated eviction proceedings.

If, when so required by a second disruptive conduct report, the occupant has not voluntarily moved or the owner has not initiated eviction proceedings, and for compliance as required by the decision of the Board has expired, the public officer shall institute revocation of the rental permit per the provisions set forth in this Part. [*Ord. 43-2008*]

**7. Fee and Costs.** The fee for filing of an appeal to the Housing Board of Appeals shall be \$75. Failure to submit the appropriate fee with the request for an appeal shall result in automatic denial of the appeal. In addition to said fee, the Appellant shall be responsible

for all costs incurred to conduct a hearing beyond that covered by the fee. [*Ord. 43-2008*] (*Ord. 28-2007, 7/23/2007, §§1, 2; as amended by Ord. 43-2008, 8/22/2008, §§1 and 2; and by Ord. 65-2008, 10/13/2008, §1*)

#### **§11-125. Appeal to Court of Common Pleas.**

Any person, including the police officer or public officer for the City, aggrieved by any decision of the Housing Board of Appeals, may appeal to the Court of Common Pleas of Berks County. Such appeal shall be made by a duly verified petition in accord with the Pennsylvania Rules of Civil Procedure and shall set forth the factual and legal basis upon which the decision of the Board is alleged to be incorrect or illegal, in whole or in part. Said petition shall be filed with the Court of Common Pleas within 30 days after service of the decision. Notice of the appeal shall be served upon all parties to the appeal before the Housing Board of Appeals, including the Board and City of Reading, at the time of its filing. An appeal to the Court of Common Pleas of a decision of the Housing Board of Appeals shall not hold automatically stay enforcement of the Board's decision.

(*Ord. 28-2007, 7/23/2007, §1; as amended by Ord. 43-2008, 8/22/2008, §1; and by Ord. 65-2008,*

10/13/2008, §1)

**§11-126. Share Information.**

The City of Reading Codes Enforcement Division is authorized to share any and all information obtained under this Code with other Departments and Divisions of the City of Reading.

(*Ord. 28-2007, 7/23/2007, §1*)

**§11-127. Compliance with Other City of Reading Ordinances**

Every owner of every dwelling, in addition to the provisions set forth herein, shall comply with the provisions (sections) of all other applicable City Ordinances including, but not limited to, the International/City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1], and Zoning Ordinance [Chapter 27].

BILL NO. \_\_\_\_\_-2009

A N O R D I N A N C E

AMENDING CHAPTER 11 HOUSING OF  
THE CITY OF READING CODIFIED ORDINANCES

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 11 entitled Housing is amended as follows:

SECTION 11-102 DEFINITIONS is hereby amended to added or amend  
the following terms and definition:

LEASE - See Rent

LET - See Rent

PERMIT - registration of a property as a rental unit

RENT - compensation for providing a shelter or lodging for occupation or  
habitation by humans to reside, monetary or non-monetary

RENTAL UNIT - a rooming unit or dwelling unit let for rent, a non-  
owner occupied rooming or dwelling unit, or a dwelling unit occupied by an  
owner and additional unrelated individuals. A rental unit shall not include a  
hotel unit. A rental unit includes dwelling units under lease- purchase agreements  
or long-term (greater than six (6) months) agreements of sale.

SECTION 11-104 APPLICATION FOR PERMIT is hereby amended as  
follows:

§11-104 APPLICATION FOR REGISTRATION OF A ~~PERMIT~~ RENTAL

SECTION 11-105 RENEWAL OF RENTAL PERMIT is hereby amended  
as follows:

§11-105 RENEWAL OF RENTAL ~~PERMIT~~ RENTAL REGISTRATION

It shall be the responsibility of the owner of the dwelling unit or rooming  
unit to request and submit an application for renewal of a Rental Permit  
Registration. Rental Registrations for 2008 and 2009 will be jointly issued and  
processed by the City of Reading Property Maintenance Division. The owner of  
every dwelling unit or rooming unit must renew his/her/their Rental Permit  
Registration for each such dwelling unit or rooming unit for 2008 and 2009 by

September 1, 2009. An application for renewal of a rental ~~permit~~ registration for 2008 and 2009 with the requisite fees may be submitted between July 1, 2009 and August 31, 2009. All renewal applications for 2008 and 2009 received after the first of September, 2009 shall be subject to revocation of the rental permit and/or doubling of the fee set forth herein. In addition, failure to pay/renew a rental ~~permit~~ registration by December 1, 2009 will result in submission of the bill and account for a rental ~~permit~~ registration to collections for recovery. The owner of every dwelling unit or rooming unit must renew his/her/their/its Rental Registration for each such dwelling unit or rooming unit for 2010 by April 1, 2010. An application for renewal of a rental registration for 2010 with the requisite fees may be submitted between February 1, 2010 and March 31, 2010. All renewal applications for 2010 received after the first of April, 2010 shall be subject to revocation of the rental ~~permit~~ registration and/or doubling of the fee set  
forth herein. In addition, failure to pay/renew a rental ~~permit~~ registration by April 1,  
2010 will result in submission of the bill and account for a rental ~~permit~~ registration to  
collections for recovery. Commencing for renewal of a Rental Registration for 2011  
and each year thereafter, the owner of every dwelling unit or rooming unit must renew  
his/her/their/its Rental-~~Permit~~ Registration for each such dwelling unit or rooming  
unit for said year by the first business day after the first of January of said year. An  
application for renewal of a rental ~~permit~~ registration for 2011 and each subsequent year  
with the requisite fees may be submitted between November 1 and December 31 of  
the applicable year. All renewal applications for 2011 and subsequent years received  
after the first business day in January of the applicable year shall be subject to  
revocation of the rental ~~permit~~ registration and/or doubling of the fee set forth herein.  
In addition, failure to pay/renew a rental ~~permit~~ registration by March 1 of the applicable  
year will result in submission of the bill and account for a rental  
~~permit~~ registration to collections for recovery. To renew a rental ~~permit~~  
registration the owner must complete the an application for renewal on the  
form prepared and provided by the Codes Enforcement Division  
Property Maintenance Division and pay the applicable fee. Except as set  
forth in this Part, on a not less than 3 no more than 5 year basis, renewal of a  
rental ~~permit~~ registration is not subject to an inspection. An application for  
renewal of a rental ~~permit~~ registration may be denied resulting in  
nonrenewal of the ~~permit~~ registration as set forth herein. Failure of the  
owner to renew a permit will be considered a surrendering and revocation of  
the rental ~~permit~~ registration and will require vacation of all  
occupants/tenants of the dwelling unit or rooming. To obtain a rental  
~~permit~~ registration after its surrender and revocation, the owner will have to  
submit a new initial application and undergo the requirements thereof. Any  
waiver of such requirements is at the discretion of the Codes- Enforcement  
Division Property Maintenance Division Administrator or his/her designee.

**SECTION 11-109 INSPECTON is hereby amended as follows:**

#### **A. INITIAL APPLICATION**

Except as provided herein, all properties for which a Rental Registration is submitted from 2007 through 2014 shall not be required to undergo an inspection to be registered as a rental property. Properties which have historically, within the last five (5) years, been owner-occupied and not registered rental properties shall be required to undergo an inspection as part of the initial application to register as a rental property. This provision shall not include registered rental properties from continuing to undergo an inspection pursuant to the City of Reading Rental Inspection Program including but not limited to renewal inspections, routine inspections and complaint inspections nor a Health and Safety Inspection pursuant to the City of Reading Codified Ordinances upon transfer of a property.

If an initial application inspection is required pursuant to the provisions of this Part and the City of Reading Rental Property Inspection Program, then all other portions of §11-109(A) shall remain in full force and effect.

## **B. RENEWAL INSPECTIONS**

An inspection of a dwelling unit or rooming unit shall be performed on a rotating basis commencing in 2009 not less than three (3) years nor more than five (5) years, per the City of Reading Rental Property Inspection Program.

If a renewal inspection is required pursuant to the provisions of this Part and the City of Reading Rental Property Inspection Program, then all other portions of §11-109(B) shall remain in full force and effect.

## **SECTION 11-119 OFFICIAL NOTICES is hereby amended as follows:**

All official notices, excluding notice of inspection, including but not limited to Notices of Violations relating to a dwelling unit or rooming unit shall be served on the owner with a copy to local responsible agent. All official notices, excluding notice of inspection which shall be in the manner set forth herein, shall be by first class mail to address of record of the owner and local responsible agent and posting of the dwelling unit or rooming unit.

## **SECTION 11-123 VIOLATIONS AND PENALTIES is hereby amended as follows:**

### **E. PLACARDING AND CONDEMNING**

The City of Reading Property Maintenance Division is hereby authorized to placard and condemn thereby requiring the immediate vacation, or within the discretion of the Property Maintenance Inspector a reasonable amount of time vacation, of a



property that is being rented for which a registration therefor has not been filed with the Property Maintenance Division as required by this Ordinance.

**PART E. NONEXCLUSIVE REMEDIES IS RENUMBER TO PART F.**

**SECTION 2:** All references to Housing Permit, Housing Rental Permit or Rental Permit shall be amended and changed to Rental Registration or Rental Housing Registration.

**SECTION 3:** All references to Codes Enforcement Division shall be amended and altered to be Property Maintenance Division.

**SECTION 4:** All references to Manager of Code or Codes Enforcement Division shall be amended and altered to read Administrator of the Property Maintenance Division.

**SECTION 5:** All relevant ordinances, regulations, remaining sections of Chapter 11 Housing – Rental Ordinance and policies of the City of Reading, Pennsylvania not amended hereby shall remain in full force and effect.